FEDERAL REGISTER

VOLUME 4 NUMBER 97

Washington, Friday, May 19, 1939

The President

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER OF JULY 9, 1910, CREATING COAL LAND WITHDRAWAL, MONTANA NO. 1

COAL LAND RESTORATION, MONTANA NO. 91

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, the Executive order of July 9, 1910, creating Coal Land Withdrawal, Montana No. 1, is hereby revoked as to the following-described lands:

Montana Meridian, Montana

T. 21 N., R. 23 E., all.
T. 22 N., R. 23 E., all.
T. 23 N., R. 23 E., all.
T. 21 N., R. 24 E., all.
T. 22 N., R. 24 E., all.
T. 23 N., R. 24 E.,
secs. 2 to 36, inclusive.
T. 24 N., R. 24 E.,
secs. 5 to 9, inclusive;
secs. 16 to 22, inclusive;
secs. 27 to 35, inclusive.
T. 22 N., R. 25 E., all.
T. 22 N., R. 26 E., all.
T. 23 N., R. 26 E., all.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 17, 1939.

[No. 8138]

[F. R. Doc. 39-1721; Filed, May 18, 1939; 10:55 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 63—REGULAR ARMY RESERVE [1]

§ 63.01 *Status.* Members of the Regular Army Reserve will be in an inactive status except when ordered to active duty upon the declaration of an emergency by the President. (52 Stat. 221; 10 U.S.C. 343) [Par. 2, AR 155–5, Feb. 16, 1939]

§ 63.02 *Authorized arms and services.* The Regular Army Reserve will consist of members enlisted therein for the arms and services for which enlisted men are provided under the National Defense Act, as amended, and for such other sections as authorized by the War Department. (52 Stat. 221; 10 U.S.C. 343) [Par. 3, AR 155–5, Feb. 16, 1939]

§ 63.03 *Authorized strength.* The Regular Army Reserve will consist of such total number as the War Department may announce from time to time, and will consist of enlisted grades only. (52 Stat. 221; 10 U.S.C. 343) [Par. 4, AR 155–5, Feb. 16, 1939]

§ 63.04 *Eligibility.* (a) Enlistments and reenlistments in the Regular Army Reserve will be limited to men less than thirty-six years of age who have had at least one year of continuous service in the Regular Army, whose last discharge was "honorable," and who are otherwise qualified for reenlistment in the Regular Army. Subsequent reenlistment in the Regular Army Reserve will be made only after honorable discharge therefrom, or after additional service in the Regular Army terminated by honorable discharge. Enlistments in the Regular Army Reserve on date of discharge from the Regular Army or Regular Army Reserve are authorized provided the certificate of discharge has been delivered to the soldier.

(b) Enlistments and reenlistments will be made in the enlisted grade and in the arm or service from which last discharged from the Regular Army, or, at the option of the applicant, in the grade of private in the arm or service in which the greatest length of service was rendered in the Regular Army if soldier was not serving in such arm or service when last discharged. Noncommissioned officers and privates, first class, who were reduced to the grade of private under the provisions of paragraphs 4*d* and 6*d*, AR 615–210,[2] upon return to the United States from over-

[1] These regulations supplement Chapter VI, Title 10, of the Code of Federal Regulations by adding Part 63 thereto.

[2] Administrative regulations of the War Department relative to foreign service.

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FEDERAL REGISTER

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seas, will be enlisted in the grade held prior to reduction provided enlistment is in the same arm or service except when they are eligible for enlistment in a higher grade.

(c) The applicant must agree to be immediately available for active duty and to report for active duty as ordered, upon the declaration of an emergency by the President.

(d) Classes ineligible for enlistment. See section 71.02. (52 Stat. 221; 10 U.S.C. 343) [Par. 5, AR 155–5, Feb. 16, 1939]

§ 63.05 *Miscellaneous conditions*—(a) *Eligibility of members of other organizations.* No person will be enlisted or reenlisted in the Regular Army Reserve who is a member of any naval or military organization or Coast Guard of the United States or of any State; nor will a member of the Regular Army Reserve enlist in or accept appointment in any other such organization before obtaining his discharge from the Regular Army Reserve.

(b) *Employees of the United States and District of Columbia.* An officer or employee of the United States or District of Columbia, if otherwise eligible, will not be enlisted or reenlisted in or permitted to continue in the Regular Army Reserve without the written consent of the head of the executive department in which employed.

(c) *Civil status.* Members of the Regular Army Reserve when not on active duty will not by reason solely of their enlistment, oaths, or status as members of the Regular Army Reserve, or any duties or functions performed or allowances received as members of the Regular Army Reserve, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States. (52 Stat. 221; 10 U.S.C. 343) [Par. 6, AR 155–5, Feb. 16, 1939]

§ 63.06 *Period of enlistment.* The period of enlistment will be four years. Reenlistments will be for a like period and under the conditions stated in section 63.04. (52 Stat. 221; 10 U.S.C. 343) [Par. 7, AR 155–5, Feb. 16, 1939]

§ 63.07 *Declaration of applicant and oath of enlistment.* (a) After the nature and terms of enlistment in the Regular Army Reserve have been fully explained to the applicant and before the enlistment blanks are filled in, the officer will read to him and offer him for his signature the following declaration which forms part of WD, AGO Form No. 181 (Enlistment Record, Regular Army Reserve):

I _____ desiring to ____enlist in the Regular Army Reserve of the United States for the term of four years under the conditions prescribed by law, do declare that I am a citizen of the United States, of the legal age to enlist (or reenlist), and believe myself to be physically qualified to perform the duties of an able-bodied soldier; and I do further declare that I am of good habits and character in all respects and have never been discharged from the service of the United States or any other service on account of disability or through sentence of either a civil or military court nor discharged from any service, civil or military, except with good character and under "honorable" conditions, and for the reasons given by me to the recruiting officer prior to this enlistment or reenlistment. I am not now a member of the Army, Navy, Marine Corps, National Guard, or Coast Guard in an active, inactive, reserve, or retired status.

Given at _____ this _____ day of _____, 19__.

Signature _____
(First name) (Middle initial) (Last name)

Witness:

_____
(To be witnessed by recruiting officer)

_____
(Grade and organization)

(b) Persons enlisting or reenlisting in the Regular Army Reserve will subscribe to the following oath of enlistment:

I, _____
(First name) (Middle name)
_____, a
(Last name) (Army serial number)
citizen of the United States, born in _____
(City,
_____, on
town, or county) (State or country)
_____ and now aged
(Month, day, and year)
_____ years and _____ months, by occupation a _____ having last served in the _____
(Regular Army or Regular Army Reserve)
for _____ such service terminating by honorable discharge on _____
(Years and months) (Month, day, and year)
_____ as _____character_____
(Grade)
from _____
(Organization or arm or service)
at _____ and whose home address is _____
(Street and number, city or town, and State)
_____ do hereby acknowledge to have voluntarily _____ enlisted this _____ day of_____19__, as a_____
(Grade, arm or service)
in the Regular Army Reserve, for a period of four years under the conditions prescribed by law, unless sooner discharged by proper authority, and subject to active duty immediately upon the declaration of an emergency by the President of the United States; and do also agree to accept from the United States such bounty, pay, rations, and clothing as are or may be established by law. And I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honorably and faithfully against all their enemies whatsoever, and that I will obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the Rules and Articles of War.

Such oaths of enlistment may be administered by any officer on active duty in the military service of the United States authorized to administer oaths. (52 Stat. 221; 10 U.S.C. 343) [Par. 8, AR 155–5, Feb. 16, 1939]

§ 63.08 *Enlistments and reenlistments; how accomplished.* (a) Enlistments and reenlistments in the Regular Army Reserve will be made by an officer authorized to accept enlistments for the Regular Army or the Regular Army Reserve. The date and place of enlistment or reenlistment in the Regular Army Reserve will be clearly recorded on the last discharge certificate.

(b) No applicant for enlistment or reenlistment in the Regular Army Reserve will be held at a recruiting station or other place at Government expense pending his acceptance or after enlistment or reenlistment is completed.

(c) The expenditure of Government funds for the transportation of applicants for enlistment in the Regular Army Reserve or of members of the Regular Army Reserve, inactive status, is not authorized.

(d) *Enlistment in grade.* See section 71.19. (52 Stat. 221; 10 U.S.C. 343) [Par. 9, AR 155–5, Feb. 16, 1939]

§ 63.09 *Physical examination.* (a) The standards for physical examination for enlistment or reenlistment in the Regular Army Reserve are those prescribed for the Regular Army. The prescribed physical examination will be completed before administering the oath of enlistment or reenlistment. See sections 71.09 and 71.11.

(b) Corps area and other commanders are authorized to take action on waivers for physical defects under the provisions of paragraph 19, AR 600–750 (Section 71.11). (52 Stat. 221; 10 U.S.C. 343) [Par. 10, AR 155–5, Feb. 16, 1939]

§ 63.10 *Change of address.* (a) Immediately upon making a permanent change of address a member of the Regular Army Reserve will notify the commanding general of the corps area in which his last place of residence was located, stating both his old and new address. This report of change of address should be made on WD, AGO Form No. 182 (Report of Change of Address, Regular Army Reserve). However, it may be submitted by letter, postcard, or prepaid telegram.

(b) If the new place of residence reported is located within another corps area, the Reservist will be notified by mail at his new address of the proper designation and address of the corps area to which future communications and reports submitted by him should be sent.

(c) When a member of the Regular Army Reserve departs from the United States or its possessions for other than a change of residence, he will report in writing to his corps area commander the date of departure, the country to be visited, his address while absent, and probable duration of his absence. If the contemplated absence is for a period of four months or longer, the Reservist will be discharged. (52 Stat. 221; 10 U.S.C. 343) [Par. 15, AR 155–5, Feb. 16, 1939]

§ 63.11 *Discharge before expiration of enlistment.* (a) When in an inactive status, a member of the Regular Army Reserve will not be discharged before the expiration of his term of enlistment except—

(1) By direction of the President, or by order of the Secretary of War.

(2) By direction of the corps area commander—

(i) On account of physical disability.

(ii) To accept a commission in the Regular Army, Navy, Marine Corps, Coast Guard, Officers' Reserve Corps, or National Guard.

(iii) To enlist in the Regular Army, Navy, Marine Corps, National Guard, or Coast Guard.

(iv) On account of contemplated absence outside the United States or its possessions for a period of four months or longer.

(v) On account of sentence of imprisonment by a civil court for other than minor offenses, whether suspended or not.

(vi) Upon any evidence satisfactory to the corps area commander of habits or traits of character which serve to render his retention in the Regular Army Reserve undesirable.

(vii) Upon failure to complete and return the required report on War Department Form No. 331 (Voucher for Payment of Allowances, Regular Army Reserve) within fifteen days after the end of each period of four months counting from the date of enlistment or reenlistment. Unless there are reasons to the contrary, such discharges may be considered as under honorable conditions.

(3) In compliance with an order of the United States Courts or a justice or judge thereof on a writ of habeas corpus.

(b) When on active duty the discharge of a member of the Regular Army Reserve will be governed by the provisions of Army Regulations applicable to enlisted men of the Regular Army. (52 Stat. 221; 10 U.S.C. 343) [Par. 16, AR 155–5, Feb. 16, 1939]

§ 63.12 *Discharge upon expiration of enlistment or after termination of emergency.* (a) Upon completion of his period of enlistment, every member of the Regular Army Reserve will be discharged unless already called to or on active duty in case of an emergency declared by the President. See paragraph (a), section 63.11.

(b) Within six months after the termination of the emergency declared by the President, all members of the Regular Army Reserve on active duty whose periods of enlistment have expired will be discharged. Those members of the Regular Army Reserve whose periods of enlistment have not expired at that time will be placed in an inactive status or discharged as directed by the Secretary of War. (52 Stat. 221; 10 U.S.C. 343) [Par. 17, AR 155–5, Feb. 16, 1939]

§ 63.13 *Discharge certificate.* A member of the Regular Army Reserve in inactive status, upon his discharge from the service under honorable conditions, either by expiration of enlistment or prior thereto as authorized, will be given a discharge certificate, WD, AGO Form No. 185 (Honorable Discharge from the Regular Army Reserve), or if discharged under other than honorable conditions, WD, AGO Form No. 186 (Discharge from the Regular Army Reserve (blue)), signed by such officer as may be designated for the duty by the corps area commander. When discharged while on active duty, the discharge certificate and administrative action will be the same as that prescribed for enlisted men of the Regular Army. (52 Stat. 221; 10 U.S.C. 343) [Par. 18, AR 155–5, Feb. 16, 1939]

§ 63.14 *Death.* Upon receipt of a report of death of a member of the Regular Army Reserve in inactive status, the next of kin will be informed of procedure to collect any allowance. (52 Stat. 221; 10 U.S.C. 343) [Par. 19, AR 155–5, Feb. 16, 1939]

§ 63.15 *Individual reports.* Report of home address, physical condition, availability for service, etc., will be submitted to the corps area commander every four months, counting from the date of enlistment, by each member of the Regular Army Reserve while in inactive status. The required report form is incorporated in War Department Form No. 331, which will be prepared at corps area headquarters with name, address, dates, and amount due, and mailed to the Reservist at his last recorded home address at the end of each four-month period of the individual's enlistment, for completion, signature, and return. In mailing War Department Form No. 331 to the Reservist, a self-addressed franked envelope will be inclosed for its return to the corps area commander. (52 Stat. 221; 10 U.S.C. 343) [Par. 20, AR 155–5, Feb. 16, 1939]

§ 63.16 *Payment of enlistment allowance while in inactive status.* Members of the Regular Army Reserve in inactive status will be paid their enlistment allowance in installments for each four-month period counting from the date of enlistment or reenlistment, at the rate of $24 per annum, or $2 per month. Payment will be prorated for a fraction of four-month period, or month, when discharged or ordered to active duty before completion thereof. An enlistment allowance installment will become due and payable upon the submission of the individual voucher, War Department Form No. 331, to the corps area commander, under the provisions of section 63.15. Service in the Regular Army Reserve not on active duty will confer no right to pay, longevity pay, retirement or retired pay, or any other emoluments upon members thereof except the enlistment allowance at the rate of $24 per annum, or $2 per month, and when qualified and accepted for active duty upon proper orders, an additional sum at the rate of $3 per month for each month they have been enlisted in the Regular Army Reserve but not to exceed $150. Members of the Regular Army Reserve will become entitled to pensions only due to disability incurred while on active duty in the service of the United States. Active duty for such purposes will be deemed to begin on the date of acceptance for such duty following compliance with the order to report for active duty and will terminate when relieved or dis-

charged from such duty. (52 Stat. 221; 10 U.S.C. 343) [Par. 28, AR 155–5, Feb. 16, 1939]

CHAPTER VII—PERSONNEL

PART 71—ENLISTMENT IN THE REGULAR ARMY [1]

§ 71.01 *Eligibility for enlistment and reenlistment in the Regular Army.* (a) Any male citizen of the United States who is of authorized age for enlistment, able-bodied, free from disease, of good character, temperate habits, and who meets the required mental tests, may be enlisted or reenlisted in the Regular Army. Each applicant for enlistment or reenlistment will be required to state, under oath, whether or not he is a citizen of the United States. Persons who are not citizens or in one of the classes excepted by the act of Congress approved August 19, 1937, will not be enlisted or reenlisted. The act of August 19, 1937 (50 Stat. 696) reads as follows: "That, notwithstanding the language contained in the second proviso on page 6 of the act of July 1, 1937 (Public, Numbered 176, Seventy-fifth Congress, first session), or any other Act, during the three-year period following the enactment of this Act, enlisted personnel of the Army who have legally declared their intention to become citizens, or who do so during their current enlistment, or who have been discharged from the Army since July 1, 1937, and who also agree to complete expeditiously their naturalization and become citizens of the United States may be reenlisted and receive the pay to which, except for the aforesaid proviso, they would otherwise be legally entitled: *Provided*, That Filipinos who were serving in the Army on July 1, 1937, may be reenlisted without regard to their citizenship status, and receive the pay to which otherwise legally entitled."

(b) Orientals, Filipinos, and Puerto Ricans will not be enlisted within the continental limits of the United States for assignment outside thereof. If they meet the requirements for enlistment prescribed in paragraph (a) above, they may be enlisted within the continental limits of the United States for assignment to organizations with the approval of the regimental or other similar commanding officer. Transfers of the classes listed above to stations outside the continental limits of the United States are not authorized.

(c) Men discharged to enter the United States Soldiers' Home will not be reenlisted until a period of three months has elapsed since date of discharge. (41 Stat. 765; 10 U.S.C. 42) [Par. 9, AR 600–750, April 10, 1939]

§ 71.02 *Classes ineligible for enlistment.* The enlistment, or acceptance with a view to enlistment, in the Regular Army or Regular Army Reserve of the following persons is prohibited:

(a) Insane or intoxicated persons.

(b) Deserters from the Army, Navy, or Marine Corps in time of war.

(c) Persons who have been convicted of a felony.

(d) Persons who have been imprisoned under sentence of a court. (41 Stat. 765; 10 U.S.C. 42) [Par. 12, AR 600–750, April 10, 1939]

§ 71.03 *Age*—(a) (1) *Under 18.* The enlistment of minors under 18 years of age is prohibited.

(2) *Between 18 and 21.* (i) A person who has not reached his twenty-first birthday will not be enlisted or reenlisted in the Regular Army or Regular Army Reserve without the written consent of his parents or guardian, except as noted in subdivision (iv) below. The written consent must be given not more than 30 days prior to the date of the enlistment of the minor.

(ii) The parents or guardian will be required to include a statement of the date of birth of the applicant in the document giving their consent to his enlistment. The consent will not include any written or oral qualifications relative to allotments of pay, special training, or service in any particular arm or service, or at a certain post or locality. When a minor is to be enlisted for an oversea assignment, the consent will include the statement "no objection to oversea service."

(iii) The consent of one parent may be accepted if the other is absent for an extended period of time. Enlistment is not authorized if either parent objects.

(iv) If the applicant is under 21 years of age and has neither parent nor guardian, a statement to that effect will be included under "Remarks" under the "Declaration of Applicant" on his enlistment record.

(3) *Over 35.* (i) The original enlistment in the Regular Army of a person who has passed his thirty-fifth birthday is prohibited.

(ii) Those who have passed their thirty-fifth birthday and have had prior service in the Navy, Marine Corps, or the Coast Guard are not eligible for enlistment in the Regular Army or Regular Army Reserve unless they have also had prior enlisted service in the Army, and are otherwise qualified.

(iii) For enlistment or reenlistment in the Regular Army Reserve, see section 63.04.

(b) *Investigation.* (1) Great care will be exercised in determining the correct age of all applicants of youthful appearance.

(2) All claims that parents are deceased, or that there is no guardian, will be carefully investigated; and the applicant will be rejected if there is reason to doubt his statements.

(c) See paragraph (b), section 71.04 with reference to allotments of pay. (41 Stat. 765; 10 U.S.C. 42) [Par. 13, AR 600–750, April 10, 1939]

§ 71.04 *Men with dependents, including married men.* (a) Enlistments and reenlistments in the Regular Army of married men or men with dependents will be made only upon the approval of the post commander, or other separate detachment commander if not serving at a post, under general instructions of the corps area commander, provided the married man or man with dependents can maintain his dependents on his pay as an enlisted man together with such other income as he or they may be receiving. No man below grade 3 will be reenlisted in the Regular Army who, subsequent to July 1, 1932, married without the written consent of his organization and post commander. The foregoing restrictions do not apply to reenlistments in the Regular Army of noncommissioned officers who are otherwise qualified for reenlistment, in grade within 20 days after discharge, as contemplated by section 27, National Defense Act. See section 71.20.

(b) No man will be accepted for enlistment or reenlistment conditional upon any written, oral, or implied promise that any portion of his pay will be allotted to a relative or other person. (41 Stat. 765; 10 U.S.C. 42) [Par. 14, AR 600–750, April 10, 1939]

§ 71.05 *Enlistments in the Regular Army requiring special authority from the War Department.* The following classes of personnel will not be enlisted or reenlisted in the Regular Army without special authority in each case from The Adjutant General:

(a) Former enlisted men who have been discharged before expiration of term of service, except those discharged for the convenience of the Government, by purchase, or on account of minority.

(b) Former enlisted men over 35 years of age who were last discharged as privates and failed to reenlist within three months thereafter. In such cases the application must show that the reenlistment will be for the interests of the service.

(c) Persons who cannot pass the required examination in all respects, except where waivers are authorized in these regulations. Applications of this nature should show that any existing defects will not prevent the performance by the applicant of full military duty.

(d) Former enlisted men, sailors marines, and coast guardsmen of the following classes:

(1) Those who deserted the service of the United States from their last enlistment, in time of peace.

(2) Those whose service during the last enlistment was terminated by other than honorable discharge.

[1] These regulations supersede Part 71, Title 10 of the Code of Federal Regulations.

(3) Those who were last discharged with character less than "Good."

(4) Those whose last discharge certificate bears the notation "Not recommended for reenlistment."

Authority to enlist persons of these classes will be granted only in view of the good conduct of the applicant subsequent to his desertion or last service. See sec. 1998, Revised Statutes, as amended by sec. 1, act of August 22, 1912 (37 Stat. 356); U.S.C. 10: 624; sec. 249, M. L., 1929. (41 Stat. 765; 10 U.S.C. 42) [Par. 16, AR 600–750, April 10, 1939]

§ 71.06 *Enlistments and reenlistments*—(a) *By whom made.* Enlistments and reenlistments in the Regular Army will be made only by officers designated as recruiting officers for the Regular Army.

(b) *Periods.* Original enlistments in the Regular Army are authorized to be made for one- or three-year periods but all reenlistments therein are restricted by law to three-year periods. Men enlisted for one-year periods will not be given original assignments or subsequent transfers where sea travel is involved, and assignments and transfers involving rail transportation may be made only as specifically authorized by the War Department. A man with any prior Regular Army enlisted service is not eligible for a one-year enlistment in the Regular Army; however, prior service in the Navy, Marine Corps, or Coast Guard is not a bar to the one-year enlistment. (41 Stat. 765; 10 U.S.C. 42) [Par. 8, AR 600–750, April 10, 1939]

§ 71.07 *Reenlistment when no vacancy exists.* As a general policy, any man honorably discharged from his last enlistment with character very good or better and otherwise qualified for enlistment may be reenlisted in the grade of private in his last organization or arm or service within 20 days from the date of discharge even though a vacancy does not exist. If application for reenlistment is delayed beyond the period of 20 days from the date of discharge, he will not be reenlisted until a vacancy exists. This paragraph does not modify the requirement of paragraph (d), section 71.08. (41 Stat. 765; 10 U.S.C. 42) [Par. 10, AR 600–750, April 10, 1939]

§ 71.08 *Special assignments.* (a) Enlistments for assignments in other corps areas, and in oversea commands for which no requisition is in force, are authorized under the following conditions:

(1) *Enlistments for other corps areas.* Upon approval of the commanding general of the corps area for which enlistment is desired. Direct correspondence between the recruiting officer and the commanding general of the corps area in which enlistment is desired is authorized for the purpose of determining whether or not the applicant is acceptable and his enlistment desired. If enlistment is approved and the distance from the place of enlistment to the place of assignment is less than 200 miles, the cost of transportation will be charged to recruiting funds. If the distance is in excess of 200 miles, the enlisted man will be required to pay his own transportation and execute a waiver of all travel pay due on discharge in excess of 200 miles.

(2) *Enlistments for oversea service.* All applications for enlistment for service overseas for which no requisition is in force in the corps area will be forwarded to The Adjutant General. If enlistment is approved and the distance from the place of enlistment to the port of embarkation is less than 500 miles, the cost of transportation will be charged to recruiting funds. If the distance is in excess of 500 miles, the enlisted man will be required to pay his own transportation and execute a waiver of all travel pay due on discharge in excess of 500 miles.

(b) Every applicant for special assignment who is required to pay his own transportation and execute a waiver of travel pay will be fully informed before enlistment of these requirements and of the fact that Government rail transportation will not be advanced.

(c) *Waivers.* The waivers of travel pay required under the provisions of subparagraphs (1) and (2) paragraph (a) above will be in the following form:

ENLISTMENTS FOR SERVICE IN OTHER CORPS AREAS

In consideration of the granting of my request to be enlisted for service at _____ (post _____, I hereby for which enlisted) waive such an amount of the travel pay due me on discharge as covers the distance in excess of 200 miles between _____ (place of _____ and _____ acceptance for enlistment) (place _____ for which enlisted)

Subscribed and sworn to before me at _____, this _____ day of _____ 19__.

ENLISTMENTS FOR OVERSEA SERVICE

In consideration of the granting of my request to be enlisted for service in _____ (oversea _____, I hereby waive all claim to department) travel pay due me on discharge in excess of 500 miles.

Subscribed and sworn to before me at _____, this _____ day of _____ 19__.

The waiver will be inclosed in the enlisted man's service record and entry will be made under "Remarks Financial" to the effect that travel pay in excess of ____ miles was waived.

(d) No man will be reenlisted for return to an oversea department without the approval of the commanding general of that department, unless the man has served or resided within the continental limits of the United States for at least two years since return from that department. (41 Stat. 765; 10 U.S.C. 42) [Par. 15, AR 600–750, April 10, 1939]

§ 71.09 *Physical examination and vaccination*—(a) *Examination.* AR 40–105[2] prescribes the standards for the physical examination of applicants for enlistment in the Regular Army and the Regular Army Reserve. If reenlistment is made immediately following discharge from the Regular Army, the examination prior to discharge may serve as the examination for reenlistment. After having been physically examined by the medical examiner, any applicant whose enlistment in the Regular Army is for any reason delayed seven days or more will be reexamined before he is enlisted and that fact will be noted on page 2 WD, AGO Form No. 21, under "Physical examination at place of enlistment."

Every applicant who is known to be enlisting in the Regular Army with the expectation of entering the United States Military Academy at any time after enlistment will be examined according to the standards prescribed in paragraph 1, AR 40–100.[2]

(b) *Vaccination.* Regular Army recruits will be vaccinated as prescribed in AR 40–215.[3] Where no medical officer or contract surgeon is available, recruits may be vaccinated by civilian physicians. (41 Stat. 765; 10 U.S.C. 42) [Par. 17, AR 600–750, April 10, 1939]

§ 71.10 *Intelligence tests.* The prescribed intelligence test will be given to every applicant for original enlistment in the Regular Army. (41 Stat. 765; 10 U.S.C. 42) [Par. 18, AR 600–750, April 10, 1939]

§ 71.11 *Waivers*—(a) *General.* Corps area commanders are authorized to grant waivers for physical defects which will not interfere with the full performance of military duty. At general hospitals such waivers may be granted by the commanders thereof.

(b) *Upon immediate reenlistment.* The commanding officer of a post, camp, or station is authorized to waive minor physical defects or to continue in force waivers previously granted by proper authority in the cases of men who apply for reenlistment in the Regular Army or the Regular Army Reserve immediately following their discharge from the Regular Army, provided the men are qualified to perform full military duty and the physical condition of such men during their service warrants reenlistment.

(c) *When previously discharged for disability or similar reason.* The authorizations indicated in paragraphs (a) and (b) above do not extend to applicants for enlistment or reenlistment who were last discharged from the Army, Navy, Marine Corps, or any other service on certificate of disability by reason of medical survey or by a similar procedure, or because of mental or

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[2] Administrative regulations of the War Department relative to procedure in making physical examinations.

[3] Administrative regulations of the War Department relative to immunization.

moral deficiencies. Only special cases of waivers for men discharged for disabilities will be favorably considered. Requests submitted to The Adjutant General to enlist such men must include all available information which will aid in determining action.

(d) *Former members of Navy, Marine Corps, or Coast Guard.* Requests for waiver of defects of an applicant for enlistment in the Regular Army who has attained his thirty-fifth birthday must contain a statement of his last enlisted Army service. A former member of the Navy, Marine Corps, or Coast Guard must be under thirty-five years of age to be eligible for enlistment in the Regular Army unless he has had prior enlisted service in the Army.

(e) *Flying cadet candidates.* A flying cadet candidate who has been examined by a flight surgeon and by him found qualified for enlistment as a flying cadet will not be rejected by a recruiting officer until he has communicated the facts directly to The Adjutant General and has received instructions in the case. (41 Stat. 765; 10 U.S.C. 42) [Par. 19, AR 600–750, April 10, 1939]

§ 71.12 *Retention at Government expense.* (a) Only applicants who have signified their intention to enlist in the Regular Army may be retained at Government expense for such reasonable time as may be necessary to make appropriate disposition of their cases. In no case will the period of retention at Government expense exceed seven days without special authority from The Adjutant General.

(b) At recruiting stations at which no medical officer or recruiting officer is on duty, determination will be made by the senior enlisted man on duty at the station whether the applicant for enlistment in the Regular Army may be retained for any part of the period indicated above.

(c) The following toilet articles will be supplied for the use of applicants when necessary:

1 comb, medium.
1 towel, face. (When circumstances so indicate, one towel, bath, may be issued in lieu of one towel, face.)
1 soap, hand, cake.
Toilet paper.

(41 Stat. 765; 10 U.S.C. 42) [Par. 20, AR 600–750, April 10, 1939]

§ 71.13 *Reenlistment while undergoing treatment in hospital.* Enlisted men discharged by reason of expiration of their enlistment while undergoing hospital treatment will not be reenlisted unless a certificate, setting forth the opinion that the enlisted man will probably be available for full military duty within a reasonable time, is obtained from the commanding officer of the hospital at which treatment is being given. The certificate will be inclosed with the enlistment record. (41 Stat. 765; 10 U.S.C. 42) [Par. 21, AR 600–750, April 10, 1939]

§ 71.14 *Transportation.* (a) Transportation at Government expense from place of acceptance to designated place of enlistment will be furnished only to an applicant accepted for enlistment in the Regular Army.

(b) Return transportation at Government expense to point of acceptance will be furnished only to applicants for enlistment in the Regular Army who are rejected upon final examination; provided, however, that return transportation will not be furnished to an applicant for enlistment in the Regular Army who is rejected because of a disqualification concealed by him at time of acceptance as an applicant. (41 Stat. 765; 10 U.S.C. 42) [Par. 24, AR 600–750, April 10, 1939]

§ 71.15 *Date of enlistment; antedating enlistments.* (a) Except as hereinafter set forth, the date upon which the enlistment or reenlistment of an enlisted man is completed by administering the oath is the date of enlistment and it must be shown on the enlistment record above the signature of the officer who administers the oath. No enlistment will be antedated without prior approval by the War Department. Under no circumstances will an enlistment be postdated.

(b) When the enlistment or reenlistment of an enlisted man is delayed through no fault of the enlisted man, but for the convenience of the Government, and it appears that the enlisted man has a well-founded claim to have a prior date recorded as the date of enlistment, a full report of all the facts, with recommendations, will be made to The Adjutant General. (41 Stat. 765; 10 U.S.C. 42) [Par. 30, AR 600–750, April 10, 1939]

§ 71.16 *General.* No applicant for enlistment in the Regular Army who receives transportation, lodging, or subsistence at Government expense or who is responsible for the loss or destruction of Government property, and then declines or fails to enlist and does not refund the costs involved, will be accepted for enlistment in the Regular Army or Regular Army Reserve without special authority from The Adjutant General. (41 Stat. 765; 10 U.S.C. 42) [Par. 33, AR 600–750, April 10, 1939]

§ 71.17 *Certificates of discharge.* Certificates of discharge left in the possession of the recruiting officer will be returned to the applicant without delay, or forwarded to The Adjutant General for file. (41 Stat. 765; 10 U.S.C. 42) [Par. 34, AR 600–750, April 10, 1939]

§ 71.18 *Reimbursements.* When practicable, before rendering reports of applicants for enlistment in the Regular Army who decline or elope, the men will be given an opportunity to reimburse the Government for the expense incurred and if reimbursement is made the names of such men will not be reported to The Adjutant General. If reimbursement is declined, the men will be informed that they cannot again be accepted for enlistment in the Regular Army or Regular Army Reserve without special authority from The Adjutant General. (41 Stat. 765; 10 U.S.C. 42) [Par 35, AR 600–750, April 10, 1939]

§ 71.19 *General.* (a) Enlistments in the Regular Army will be made in the grade of private, except when the chief of an arm or service or the commanding officer of an organization considers it in the best interests of the service to enlist an especially qualified man in any grade for which he has an existing vacancy.

(b) Enlistments and reenlistments in the Regular Army Reserve will be made in the enlisted grade and in the arm or service from which last discharged from the Regular Army, or, at the option of the applicant, in the grade of private in the arm or service in which the greatest length of service was rendered in the Regular Army if the enlisted man was not serving in such arm or service when last discharged. (41 Stat. 765; 10 U.S.C. 42) [Par. 36, AR 600–750, April 10, 1939]

§ 71.20 *Reenlistment in the Regular Army in grade within 20 days from date of discharge.* (a) In addition to the enlistments authorized in paragraph (a), section 71.19, any noncommissioned officer discharged with character "excellent" at the expiration of a three-year term of enlistment, and who is otherwise qualified, will be permitted to reenlist in the Regular Army in the organization and grade from which last discharged provided he reenlists within 20 days after the date of such discharge.

(b) In order to be reenlisted in grade, a discharged noncommissioned officer, qualified as in paragraph (a) above, must apply for reenlistment at the station of the organization from which discharged, except that such a noncommissioned officer on detached service or absent sick from the station of his organization will be reenlisted in grade for the organization to which he is assigned. A noncommissioned officer sent to the United States from foreign service for discharge will not be reenlisted in grade for an organization on foreign service without special authority from The Adjutant General. (41 Stat. 765; 10 U.S.C. 42) [Par. 37, AR 600–750, April 10, 1939]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39–1717; Filed, May 18, 1939; 9:36 a. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49865]

CUSTOMS REGULATIONS OF 1937 AMENDED TO EXCEPT NOTICES OF INTENT TO EXPORT FROM THE PROVISIONS OF SAID ARTICLE REQUIRING POWERS OF ATTORNEY IN CONNECTION WITH DRAWBACK CLAIMS [1]

To Collectors of Customs and Others Concerned:

Article 1098 of the Customs Regulations of 1937 [2] [Sec. 20.49 (e)] is hereby amended to read as follows:

ART. 1098 [Sec. 20.49 (e)]. Signing of documents—Power of attorney.—Powers of attorney, in accordance with article 301 [Sec. 6.18], will be required from persons signing documents required by this chapter [part], except notices of intent to export, in all cases where such person is not a member of the firm or is not the importer, manufacturer, or exporter, as the case may be. A power of attorney will also be required where the person signing a document (except notices of intent to export) for a corporation is not the president, vice president, treasurer, or secretary of the corporation. (Sec. 313, 46 Stat. 693, Sec. 403, 49 Stat. 1960; 19 U.S.C. 1313 (i) and Sup. IV. Sec. 624, 46 Stat. 759; 19 U.S.C. 1624.)

[SEAL] JAMES H. MOYLE,
Commissioner of Customs.

Approved, May 13, 1939.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 39–1727; Filed, May 18, 1939; 11:28 a. m.]

[T. D. 49867]

NOTICE OF ADDITIONAL DATA TO BE INCLUDED ON INVOICES OF ARTICLES CONTAINING TEN PERCENT OR MORE BY WEIGHT OF MANUFACTURED SUGAR [3]

To Collectors of Customs and Others Concerned:

With reference to article 274 (e) (2) of the Customs Regulations of 1937, as amended by (1938) T.D. 49426 [Sec. 6.1 (c)] invoices of articles containing ten percent or more by weight of manufactured sugar, as defined in I.R.C., sec. 3507, formerly section 401 (b) of the Sugar Act of 1937, are required, except as hereafter provided, to be accompanied by a statement in the following form, containing the data indicated therein, in accordance with the appended instructions:

U. S. CUSTOMS SERVICE

Information as to commodities containing ten percent or more by weight of manufactured sugar, as defined in I.R.C., sec. 3507, formerly section 401 (b) of the Sugar Act of 1937, for use of U. S. Customs authorities.

Name of manufacturer _____
Address _____

1. Kind and brand of product shipped to United States _____
2. Quantity produced in one manufacturing lot or batch (A) _____
3. Sugar used in producing one lot or batch:

Kind of manufactured sugar	Quantity (A)	First cost (B)	Additional costs (C)	Total cost cost (D)

4. Other materials used in producing one lot or batch:

Kind	Quantity (A)	First cost (B)	Additional costs (C)	Total cost (D)

I certify that the above information is correct.

Signature _____
Title or position _____
Date _____

INSTRUCTIONS FOR COMPILING DATA TO BE SHOWN ON FORM

1. Describe the product in the terms usually used on consular invoices, giving name, brand, quality, number, etc. Use a separate form for each kind.

2. Show quantity produced in one typical batch or lot, recently manufactured, as to which cost records have been maintained.

3. Manufactured sugar is defined in the Internal Revenue Code as follows:

§ 3507 (formerly sec. 401 (b) of the Sugar Act of 1937).

For the purpose of this title—

* * * * *

(b) The term "manufactured sugar" means any sugar derived from sugar beets or sugarcane which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains nonsugar solids (excluding any foreign substance that may have been added) equal to more than 6 per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States.

The grades or types of sugar within the meaning of this definition shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, washed sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar, mush, raw sugar, sirups, molasses, and sugar mixtures.

4. It is preferable to show each kind of material used in addition to manufactured sugar. Several materials of relatively insignificant value may be grouped together as "Flavoring materials," "Coloring materials," "Seasoning materials," or "All other."

A. Show unit in pounds, as well as total quantity.

B. "First cost" is the full cost of the material laid down at the manufacturing plant, at current domestic prices, without any deduction for any drawback or refund of import duties which may have been allowed or may be allowable. The amounts of any drawback or refund of import duties which have been allowed or which are allowable by reason of exportation should be stated separately.

C. "Additional costs" include all costs of storing, examining, handling, and preparing, up to the point where the materials are ready to be combined in the manufacturing process. Manufacturing costs and general expenses, occurring thereafter, should not be included, nor should profit.

D. "Total cost" is the *total* of "First cost" ex factory, and "Additional costs."

In the event that it is conceded that manufactured sugar is the component material of chief value it will be sufficient so to state on the invoice and give the percentage of total sugars in the finished product.

Neither the foregoing form nor the preceding statement shall be required in the case of cordials and liqueurs.

Further exceptions from the above requirements will be printed in the weekly Treasury Decisions when the Department is able to determine that other articles, although composed in substantial part of manufactured sugar, are not in fact in chief value of manufactured sugar.

T. D. 49684, dated August 10, 1938,[1] is superseded, effective as to invoices certified thirty days after publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

[SEAL] JAMES H. MOYLE,
Commissioner of Customs.

Approved May 12, 1939.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 39–1728; Filed, May 18, 1939; 11:28 a. m.]

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[1] This document affects 19 CFR 20.49 (e).
[2] 2 F.R. 1683.
[3] This document affects 19 CFR 6.1.

[1] 3 F.R. 2033 DI.

TITLE 24—HOUSING CREDIT

HOME OWNERS' LOAN CORPORATION

REGULATIONS GOVERNING TRANSACTIONS AND OPERATIONS IN HOME OWNERS' LOAN CORPORATION BONDS

Pursuant to the authority conferred upon the Federal Home Loan Bank Board and the Home Owners' Loan Corporation (hereinafter respectively referred to as the Board and the Corporation) by the Home Owners' Loan Act of 1933 (48 Stat. 128; U.S.C. title 12, sec. 146 et seq.), as amended, the following regulations governing the issuance of Corporation bonds, the payment of interest thereon, the granting of relief on account of loss, theft, destruction, mutilation or defacement of the bonds or mutilation or defacement of coupons pertaining thereto, and other transactions and operations therein are hereby promulgated by the Board and the Corporation.

1. *Form of bonds.* The bonds shall be in such forms and denominations, shall mature within such periods of not more than eighteen (18) years from the date of their issue, but in no event later than 1952, shall bear such rates of interest not exceeding 4 per centum per annum, shall be subject to such terms and conditions, and shall be issued in such manner and sold at such prices as may be prescribed by the Corporation, with the approval of the Secretary of the Treasury. Bonds shall be executed in the name of the Corporation and authenticated by the engraved signature of the Chairman of its Board of Directors, attested by the engraved signature of its Treasurer, and the seal of the Corporation shall be affixed; coupons attached to coupon bonds shall be signed by the Corporation, by the facsimile signature of its Treasurer. The principal and interest shall be payable when due at the Treasury Department, Washington, D. C., or at any Government agency or agencies in the United States which the Secretary of the Treasury may from time to time designate for that purpose. The Corporation may, from time to time, issue interim certificates temporarily in lieu of definitive bonds in such form and in such manner as the Corporation, with the approval of the Secretary of the Treasury, may determine. Unless otherwise provided by specific reference or plain context, the term "bond" as used herein shall be deemed to include interim certificates.

2. *Transfers and exchanges.* All bonds of the same class and series are fully interchangeable as between authorized denominations; registered bonds are transferable upon proper assignment; and where both coupon and registered bonds are issued in any series, they are interchangeable within authorized denominations.

3. *Transactions and operations*—(a) *In general.* The United States Treasury Department will act as agent for the Board and the Corporation in connection with the transactions and operations hereunder, and will maintain registration records for registered bonds. The general regulations of the United States Treasury Department now or hereafter in force governing transactions and operations in United States bonds and the payment of interest thereon are hereby adopted, so far as applicable, and except as herein modified, as the regulations of the Board and the Corporation for similar transactions and operations in the Corporation's bonds and the payment of interest thereon.

(b) *Form of assignment.* The words "Home Owners' Loan Corporation" must be substituted for the words "Secretary of the Treasury" in assignments for redemption or exchange.

(c) *Detached assignments.* Detached assignments will be recognized and accepted in any particular case in which the use of a detached assignment is specifically authorized by the Treasury Department. Any assignment not made upon the bonds is considered a detached assignment.

(d) *Assignments by corporations and unincorporated associations for redemption for their own account.* A bond registered in the name of, or assigned to, a corporation or unincorporated association will ordinarily be redeemed for the account of such corporation or unincorporated association, at maturity or earlier redemption date, upon an appropriate assignment for that purpose executed on behalf of the corporation or unincorporated association by a duly authorized officer thereof, without proof of the officer's authority. In all such cases payment will be made only by check drawn to the order of the corporation or unincorporated association; or, if new registered bonds are offered in exchange for the bonds surrendered, by the issue of new bonds in the same form of registration.

(e) *Payment of final interest on maturing or called registered bonds.* The final installment of interest payable on any registered bonds at maturity or earlier redemption date may be paid with the principal in accordance with the assignments of the bonds instead of by separate check drawn to the order of the registered payee and forwarded to him at his address of record, if the redemption circular or other instructions with respect to any issue shall so provide.

4. *Relief on account of lost, stolen, destroyed, mutilated or defaced bonds.* The Statutes of the United States, now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation or defacement of United States securities, and the regulations of the Treasury Department, now or hereafter in force, governing the issuance of substitute securities or the payment of lost, stolen, destroyed, mutilated or defaced securities and mutilated or defaced coupons of the United States, so far as applicable and as necessarily modified to relate to securities and coupons of the Home Owners' Loan Corporation, are hereby adopted as the regulations of the Corporation for the issuance of substitute securities or the payment of lost, stolen, destroyed, mutilated or defaced securities and mutilated or defaced coupons of the Corporation; all as more fully set forth in Section 707 (a), (b) and (c) of Chapter VII of the Consolidated Manual of Rules and Regulations of the Corporation, said Section 707 (a), (b) and (c) having been heretofore published in the FEDERAL REGISTER on February 10, 1938.

5. *Administration.* The Secretary of the Treasury or the Acting Secretary of the Treasury is hereby authorized and empowered on behalf of the Board and the Corporation to administer the regulations governing any transactions and operations in Corporation bonds, to do all things necessary to conduct such transactions and operations, and to delegate such authority at his discretion to other officers, employees and agents of the United States Treasury Department. The Secretary, the Under Secretary, or any Assistant Secretary of the Treasury, acting by direction of the Secretary, is hereby authorized to waive any such regulations on behalf of the Board and the Corporation at his discretion in any particular case where a similar regulation of the United States Treasury Department with respect to United States bonds or interest would be waived.

6. *Amendments.* The Board and the Corporation reserve the right at any time, or from time to time, with the approval of the Secretary of the Treasury, to revoke or amend these regulations or to prescribe and issue supplemental or amendatory rules and regulations.

[SEAL] HOME OWNERS' LOAN CORPORATION,
By JOHN H. FAHEY.
FEDERAL HOME LOAN BANK BOARD,
By JOHN H. FAHEY.

MAY 6, 1939.

Approved May 16, 1939:

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

(Above "Regulations Governing Transactions and Operations in Home Owners' Loan Corporation Bonds" adopted by the Federal Home Loan Bank Board and the Board of Directors of the Home Owners' Loan Corporation with the approval of the Secretary of the Treasury pursuant to the authority contained in Sections 4 (a), 4 (c), and 4 (k) of the Home Owners' Loan Act of 1933, as amended (June 13, 1933, c. 64, sec. 4 (c), 48 Stat. 129; Apr. 27, 1934, c. 168, secs. 1 (a) 2, 3, 4, 13, 48 Stat. 643, 644; June 27, 1934, c. 847, secs. 506 (a), (b), 508 (b), 48 Stat. 1263, 1264; May 28, 1935, c. 150, sec. 11, 49 Stat. 296; U.S.C. title 12, sec. 1463).)

Adopted by resolutions of the Federal Home Loan Bank Board and the Board of Directors of Home Owners' Loan Corporation this 6th day of May, 1939.

[SEAL] R. L. NAGLE,
Secretary.

[F. R. Doc. 39-1730; Filed, May 18, 1939; 12:37 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

[No. 37]

SUNNYSIDE DIVISION, YAKIMA PROJECT, WASHINGTON

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES [1]

MAY 3, 1939.

1. *Operation and maintenance charges for project lands.* For the purpose of equitably determining operation and maintenance charges for the lands of the Sunnyside Division, Yakima project, Washington, notice is hereby given that for the irrigation season of 1939, and thereafter until further notice, each acre of irrigable land subject to public notice rates in said division, whether water is used or not, shall be charged with a minimum operation and maintenance charge of two dollars ($2.00), which will permit delivery of not more than the amounts per irrigable acre to which such lands are entitled under notice and regulations of the Secretary dated October 17, 1930, and in accordance with the following schedule per irrigable acre:

Monthly Schedule of Deliveries

	Percent
April	13.3
May	15.0
June	18.3
July	18.3
August	16.7
September	11.7
October	6.7

The above deliveries will be contingent on beneficial use, as determined by the project superintendent.

2. *Charges for water rental for lands subject to public notice.* The major portion of the lands of the Sunnyside Division, Yakima project, Washington, under Public Notice, has been divided by the Sunnyside Valley Irrigation District into three classes, according to water requirements; namely, (a), (b), and (c), and a map showing such classification is on file in the office of the project superintendent and in the office of the irrigation district. For additional water (if available from either storage or natural flow) delivered during the months of June, July, and August in excess of the monthly schedule of the preceding paragraph, the rental charge, as provided in Notice of October 17, 1930, will be as follows:

Class A, $1.50 per acre-foot.
Class B, $0.75 per acre-foot.
Class C, $0.50 per acre-foot.

When available, water in excess of this schedule will be delivered during the other months of the season without extra charge.

3. *Charges for water rental for lands under supplemental water-right contracts.* For lands receiving water under said division of said project, by virtue of certain supplemental water-right contracts with the United States, under the provisions of which a minimum operation and maintenance charge is fixed which permits the delivery of amounts of water determined in accordance with the public notice of October 17, 1930, a rental charge of one dollar and fifty cents ($1.50) per acre-foot for additional water (if available from storage or natural flow) delivered during each of the months of June, July, and August in excess of the said determined amounts will be made. When available, water in excess of the determined amounts will be delivered during the other months of the season without extra charge.

4. *Charges for water rental for other lands.* Public Notice, Supplemental and Warren Act lands of the division not classified and not covered by paragraphs two (2) and three (3), may be delivered additional water during the months of June, July, and August in excess of the amounts allowed to like lands of the division at the same rates announced in said paragraphs.

5. *Water rental charges for lands outside the project.* For water which may be furnished lands outside the limits of the said division of said project, the charge shall be one dollar ($1) per acre-foot for the irrigation season of 1939, and thereafter until further notice, due and payable in advance of the delivery of water.

6. *Water-rights secured with lands, the title to which has passed to the several irrigation districts* and the farming of which is now abandoned, may be used upon types or classes of land specified by the irrigation districts, under approved rules and regulations, where the same is not now covered by district contract, such designation to be made within thirty (30) days after date of this public notice.

7. *Time of payment.* All water charges announced herein are due and payable on December 31 following the irrigation season, except as provided in paragraph 5.

HARRY SLATTERY,
Under Secretary of the Interior.

[F. R. Doc. 39-1718; Filed, May 18, 1939; 9:36 a. m.]

[1] Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

National Bituminous Coal Commission.

[Docket No. 339-FD]

ORDER IN THE MATTER OF THE APPLICATION OF T. E. LUMAN FOR EXEMPTION

At a regular session of the National Bituminous Coal Commission held in its offices in Washington, D. C., on the 17th day of May 1939.

It appearing, That pursuant to the provisions of an Act of Congress approved April 26, 1937, entitled "An Act to regulate interstate commerce in bituminous coal and for other purposes" (Public No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, Applicant, T. E. Luman, on the 3rd day of September, 1937, forwarded to the Commission his application for exemption, seeking to have exempted from the provisions of Section 4 and the first paragraph of Section 4-A, of the Bituminous Coal Act of 1937, all bituminous coal produced by him at his mine located near Roseville, in Muskingum County, Ohio, which application was filed pursuant to the provisions contained in the second paragraph of Section 4-A of the Act, and was based upon the sole ground that Applicant is not engaged in interstate commerce in any particular, because he sells all of the bituminous coal that he produces at the mouth of the mine to local trade and that no part thereof is sold or transported outside of the State of Ohio; and

It further appearing, That the Commission by its orders referred and assigned said cause to Charles O. Fowler, a Trial Examiner of the Commission, for hearing at Zanesville, Ohio, on the 24th day of May, 1938; that due and proper notice of said hearing was given to all interested parties; that the cause came on to be heard pursuant to said orders of reference and assignment; that after the Applicant had announced ready for trial he asked leave to withdraw his said application for exemption; that the Examiner filed his report in the above entitled matter with the Secretary of the Commission in which he recommended that the Applicant's motion to withdraw his application be granted; and

The Commission being fully advised of Applicant's motion to withdraw his said application as the same is contained in the official transcript of the testimony and in the Examiner's report;

Now, therefore, It is hereby ordered:

That the motion to withdraw the application for exemption filed by the Applicant herein is hereby granted as of the date of this Order.

The Secretary of the Commission is directed forthwith to mail a copy of this Order to the Applicant, to the Consumers' Counsel, to the Secretary of each District Board; to the Commissioner of Internal Revenue; and to cause a copy

hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission.

By order of the Commission.

Dated this 17th day of May, 1939.

[SEAL] F. WITCHER MCCULLOUGH,
Secretary.

[F. R. Doc. 39–1719; Filed, May 18, 1939; 10:53 a. m.]

[Docket No. 342–FD]

ORDER IN THE MATTER OF THE APPLICATION OF THE JACKSON IRON AND STEEL COMPANY FOR EXEMPTION

At a regular session of the National Bituminous Coal Commission held in its offices in Washington, D. C., on the 17th day of May 1939.

It appearing, That pursuant to the provisions of an Act of Congress approved April 26, 1937, entitled "An Act to regulate interstate commerce in bituminous coal and for other purposes" (Public No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, applicant, The Jackson Iron and Steel Company, a corporation, on the 28th day of December, 1937, forwarded to the Commission its application for exemption, seeking to have exempted from the provisions of Section 4 of the Bituminous Coal Act of 1937, under the provisions of Section 4, Part II (1) of the Act, all bituminous coal produced and consumed by it in the manufacture of pig iron and for producing steam and heat in the operation of its furnace plant, which application was filed pursuant to the provisions contained in the second paragraph of Section 4–A of the Act; and

It further appearing, That the Commission by its orders referred and assigned said cause to Charles O. Fowler, a Trial Examiner of the Commission, for hearing at Zanesville, Ohio, on the 24th day of May, 1938; that due and proper notice of said hearing was given to all interested parties; that the cause came on to be heard pursuant to said orders of reference and assignment; that the Examiner filed his report in the above entitled matter with the Secretary of the Commission, copies of which were thereafter served upon all interested parties in conformance with Rule XXIV of the Rules of Practice and Procedure before the Commission, and more than fifteen days having elapsed since that service, and no exceptions to said report having been filed with the Commission; and

The Commission being fully advised of the evidence as the same is contained in the official transcript of the testimony and documentary evidence filed therein, finds that the proposed Findings of Fact and Conclusions submitted by the Examiner, are in all respects true and correct, and the same are hereby adopted as the Findings of Fact and Conclusions of the Commission;

Now, therefore, It is hereby ordered:

That the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937, apply to the bituminous coal produced and consumed by The Jackson Iron and Steel Company in the manufacture of pig iron and for producing steam and heat in the operation of its furnace plant at Jackson, Ohio, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937.

That applicant shall apply annually hereafter, and at such other times as the Commission may require, for renewal of this Order, and that applicant shall file such accompanying reports with its application for renewal of this Order as will enable the Commission to determine whether the facts as found in this Order continue to exist.

The Secretary of the Commission is directed forthwith to mail a copy of this Order to the Applicant, to the Consumers' Counsel, to the Secretary of each District Board; to the Commissioner of Internal Revenue; and to cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission; and to cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 17th day of May 1939.

[SEAL] F. WITCHER MCCULLOUGH,
Secretary.

[F. R. Doc. 39–1720; Filed, May 18, 1939; 10:53 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Docket No. A–100 O–100]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 20, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

Whereas, acting pursuant to the provisions of sections 8b and 8c of Title I of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture, hereinafter called the "Secretary," on September 24, 1937, tentatively approved a marketing agreement, and, on November 9, 1937,[1] issued an order regulating the handling of milk in the La Porte County, Indiana, marketing area, which order became effective November 13, 1937; and

Whereas, an amendment of said tentatively approved marketing agreement was tentatively approved on July 15, 1938, and an amendment of said order was issued by the Secretary of Agriculture, effective August 20, 1938;[2] and

Whereas, handlers representing more than 70 percent of the fluid milk sold in said area have made certain proposals to further amend the said tentatively approved marketing agreement, as amended, and said order, as amended; and

Whereas, the Secretary has reason to believe that further amendment of said tentatively approved marketing agreement, as amended, and said order, as amended, will tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937; and

Whereas, under the aforesaid act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon amendments to marketing agreements and orders;

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on said proposals to amend the tentatively approved marketing agreement, as amended, and Order No. 20, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area, in the Civic Auditorium, La Porte, Indiana, beginning at 11:00 a. m., c. d. s. t., on May 23, 1939.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) providing that the respective class prices of milk be applicable to the 3.8 percent butterfat content equivalent of milk used in each class; (2) establishing a separate class for milk used to produce butter (milk used to produce butter is not included in Class II milk); (3) limiting plant shrinkage to an amount not to exceed 3 percent of Class I milk of the handler; (4) limiting the bases of producers to 115 percent of the Class I and Class II milk sold during the 8 months of the year for which bases are effective, and providing that in the computation of producer bases only the figures for the months from October to May, inclusive, shall be used; (5) changing the pooling plan to provide for the pricing of milk on a 3.8 percent butterfat content equivalent basis; (6) modifying the price of Class I milk to the extent of providing a price lower than the present Class I price with respect to milk sold outside the marketing area and to relief clients and to provide a price for Class I milk sold in the marketing area comparable with prices paid producers for milk similarly used in other 12¢ retail markets; and (7) making any other changes in said marketing agreement and order.

Copies of the proposed amendments to the said tentatively approved market-

[1] 2 F.R. 2443.

[2] 3 F.R. 2015 DI.

ing agreement, as amended, and the said order, as amended, may be obtained from the Hearing Clerk, Office of the Solicitor, in Room 0310, South Building, United States Department of Agriculture, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

Dated May 18, 1939.

[F. R. Doc. 39–1732; Filed, May 18, 1939; 12:55 p. m.]

FEDERAL HOME LOAN BANK BOARD.

Home Owners' Loan Corporation.

2¾ PERCENT BONDS, SERIES B

NOTICE OF CALL FOR REDEMPTION BEFORE MATURITY

To Holders of Home Owners' Loan Corporation 2¾ percent bonds, Series B, and Others Concerned:

Public notice is hereby given that all outstanding Home Owners' Loan Corporation 2¾ percent bonds, Series B, dated August 1, 1934, are hereby called for redemption on August 1, 1939, and will cease to bear interest on that date. Full information regarding the presentation and surrender of the bonds for redemption under this call will be given in a Treasury Department circular to be issued later.

Holders of Home Owners' Loan Corporation bonds now called for redemption on August 1, 1939, will be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the Home Owners' Loan Corporation, concerning which public notice will be given by the Secretary of the Treasury on Monday, May 22, 1939.

FEDERAL HOME LOAN BANK BOARD,
HOME OWNERS' LOAN CORPORATION,
JOHN H. FAHEY, *Chairman.*

MAY 18, 1939.

Approved:

HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

(Above Notice of Call for Redemption prior to maturity of Series B 2¾% Bonds 1939–1949, adopted by the Federal Home Loan Bank Board and the Board of Directors of the Home Owners' Loan Corporation with the approval of the Secretary of the Treasury pursuant to the authority contained in Section 4 (c) of the Home Owners' Loan Act of 1933, as amended (June 13, 1933, c. 64, sec. 4 (c), 48 Stat. 129; Apr. 27, 1934, c. 168, secs. 1 (a), 2, 3, 4, 13, 48 Stat. 643, 644; June 27, 1934, c. 847, secs. 506 (a), (b), 508 (b), 48 Stat. 1263, 1264; May 28, 1935, c. 150, sec. 11, 49 Stat. 296; U.S.C., title 12, sec. 1463))

Adopted by resolutions of the Federal Home Loan Bank Board and the Board of Directors of the Home Owners' Loan Corporation this 17th day of May, 1939.

[SEAL] R. L. NAGLE,
Secretary.

[F. R. Doc. 39–1729; Filed, May 18, 1939; 12:37 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5548]

IN THE MATTER OF TENNESSEE UTILITIES CORPORATION

ORDER FIXING DATE OF HEARING

MAY 17, 1939.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, John W. Scott. Basil Manly, not participating.

Upon application and exhibits thereto, filed May 8, 1939, and Exhibits L and Q–3 thereto, filed May 16, 1939, by Tennessee Utilities Corporation, a corporation having its principal office at 241 Market Street, Chattanooga, Tennessee, for authorization pursuant to Section 203 of the Federal Power Act to sell electric facilities insofar as the Commission finds that they are subject to its jurisdiction under and in accordance with the terms of a certain contract, dated as of May 12, 1939, between The Commonwealth & Southern Corporation, seller, and the following purchasers:

Tennessee Valley Authority, a corporation created and now existing under the Tennessee Valley Authority Act of 1933.

City of Nashville, Tennessee.

City of Chattanooga, Tennessee.

Meriwether Lewis Electric Cooperative, a corporation organized and existing under the Tennessee Electric Cooperative Act of 1939.

Blue Ridge Electric Membership Corporation and North Georgia Electric Membership Corporation, membership corporations of the State of Georgia.

the following membership corporations existing under the Tennessee Electric Membership Corporation Act of 1937:

Cumberland Electric Membership Corporation,

Duck River Electric Membership Corporation,

Lincoln County Electric Membership Corporation,

Meigs County Electric Membership Corporation,

The Middle Tennessee Electric Membership Corporation,

Pickwick Electric Membership Corporation,

Tri-County Electric Membership Corporation, and

Upper Cumberland Membership Corporation,

and such of the following municipal corporations of the State of Tennessee as may become parties to said contract:

City of Athens,
City of Cleveland,
Town of Clinton,
City of Columbia,
Town of Dickson,
Mayor and Alderman of the Town of Fayetteville,
The City of Harriman,
The City of LaFollette,
City of Lawrenceburg,
City of Lenoir City,
Lewisburg, Tennessee,
Town of Lexington,
City of Loudon,
City of Maryville,
The Town of McMinnville,
Mount Pleasant,
City of Murfreesboro,
Town of Oneida,
Town of Pulaski,
The City of Rockwood,
Shelbyville,
The Town of Sweetwater,
Winchester;

The said application waiving a hearing and praying for an order by this Commission without requiring the applicant to give any local notice by publication of the aforesaid transaction;

It appearing that:

(a) The aforesaid application and exhibits submitted therewith are in some respects merely preliminary and tentative proposals which are subject to adjustments and changes and in several respects are incomplete and insufficient;

(b) A public hearing will provide a convenient means of obtaining the additional information necessary to enable the Commission to pass upon the said application and will afford the opportunity for hearing required by the Federal Power Act;

(c) The notices heretofore given and hereby and hereafter to be given by this Commission will be sufficient and reasonable, including notice given by publication in the FEDERAL REGISTER of less than fifteen days prior to date set for hearing;

The Commission orders that:

(A) A hearing on the said application be held at ten o'clock A. M., May 29, 1939, in the Commission's Hearing Room, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.;

(B) The applicant not be required to give notice by publication.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39–1722; Filed, May 18, 1939; 10:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 16th day of May 1939.

[File No. 1-65]

IN THE MATTER OF PITTSBURGH UNITED CORPORATION COMMON STOCK, $25 PAR VALUE, AND CONVERTIBLE 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, $25 Par Value, and Convertible 7% Cumulative Preferred Stock, $100 Par Value, of Pittsburgh United Corporation; and

After appropriate notice,[1] a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 26, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-1724; Filed, May 18, 1939; 11:11 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of May 1939.

[File No. 1-2283]

IN THE MATTER OF HALIFAX TONOPAH MINING CO. COMMON ASSESSABLE STOCK, PAR VALUE 10¢

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The San Francisco Mining Exchange pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Assessable Stock, Par Value 10¢, of Halifax Tonopah Mining Co.; and

After appropriate notice,[2] a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 26, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-1725; Filed, May 18, 1939; 11:11 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of May 1939.

[File No. 7-388]

IN THE MATTER OF THE PENNROAD CORPORATION COMMON STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the Boston Stock Exchange in the Voting Trust Certificates for Common Stock, Par Value $1, of The Pennroad Corporation, having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

It is ordered, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-1723; Filed, May 18, 1939; 11:11 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of May, A. D. 1939.

[File No. 31-409]

IN THE MATTER OF CONSOLIDATED CITIES LIGHT, POWER AND TRACTION COMPANY

ORDER GRANTING EXEMPTION

Consolidated Cities Light, Power and Traction Company, a Delaware corporation, having made application for exemption pursuant to the provisions of Section 3 (a) (5) of the Public Utility Holding Company Act of 1935; a hearing on said application having been duly held after appropriate public notice; the record in this matter having been duly considered; and the Commission having made appropriate findings of fact;

It is ordered, That the said Consolidated Cities Light, Power and Traction Company be, and it hereby is, exempted from all those provisions of the Public Utility Holding Company Act of 1935 which would require it to register under said Act because of its directly or indirectly owning, controlling or holding with power to vote 10 per cent or more of the outstanding voting securities of Southern Ontario Gas Company, Ltd., and of Dominion Natural Gas Company, Ltd., both corporations of the Province of Ontario, Canada.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-1726; Filed, May 18, 1939; 11:11 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May 1939.

[File Nos. 34-9; 43-88]

IN THE MATTER OF FEDERAL WATER SERVICE CORPORATION

ORDER AMENDING NOTICE OF AND ORDER FOR RECONVENING HEARING

Federal Water Service Corporation, a registered holding company under the Public Utility Holding Company Act of 1935, having filed an amendment to its application and declarations heretofore filed with this Commission pursuant to Rule U-12E-4, Rule U-12E-5, and Section 7 of the Public Utility Holding Company Act of 1935;

The Commission having on May 16, 1939[1] issued a notice of and order for reconvening on June 1, 1939 the hearing on said amended application and declarations;

It appearing to the Commission that the said notice and order for reconvening hearing incorrectly states the terms of the warrants to be issued under the proposed reorganization plan;

It is ordered, That the said notice and order for reconvening hearing be, and the same hereby is, amended by striking out the words "$4.85 per share" appearing in the third sentence of the third paragraph of said order and substituting the words "$4.65 per share".

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-1731; Filed, May 18, 1939; 12:54 p. m.]

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[1] 4 F.R. 1365 DI.
[2] 4 F.R. 1471 DI.

[1] 4 F.R. 2052 DI.